



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, JANUARY 16, 2014 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, January 16, 2014, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Charles Townsend
Ted Bowersox
Donald Lukich
Agnes Berry
Frazier J. Marshall

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner James Argento and the Pledge of Allegiance to the Flag.

The new City Manager, Al Minner, introduced himself to the Planning Commission.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

James Argento stated that because we're not treating these amendments as a quasi-judicial matter, we do not need to put anyone under oath.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR NOVEMBER 21, 2013.

Commissioner Ted Bowersox moved to APPROVE the minutes from the NOVEMBER 21, 2013 meeting. Commissioner Charles Townsend SECONDED the motion, which was PASSED by a vote of 7 to 0.

NEW BUSINESS

1. PUBLIC HEARING CASE # AMDT-13-140 – AMENDING CHAPTERS 6 AND 25 – LAND DEVELOPMENT CODE

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, DELETING CHAPTER 6 ANIMALS SUBSECTION 6-41 KEEPING CHICKENS OR FOWL AND AMENDING AND/OR SUPPLEMENTING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES BY ADDING SECTION 25-288 COMMERCIAL USES (S) AGRICULTURAL (TEMPORARY) USES IN THE RE-1 RESIDENTIAL ESTATE ZONING DISTRICT, AMENDING SUBSECTION 25-290 TEMPORARY

USES BY REPLACING SUBSECTIONS (3) THROUGH (9) TO CLARIFY OTHER TEMPORARY USES, DELETING SUBSECTION 25-292 SUPPLEMENTAL DISTRICT REQUIREMENTS, (4) ANIMALS AND FOWL ETC. BECAUSE OF CONFLICTS WITH OTHER SECTIONS OF THE CODE AND ADDING A NEW REVISED SUBSECTION (4) THE KEEPING OF DOMESTIC ANIMALS AND FOWL TO ALLOW CHICKENS IN RESIDENTIAL DISTRICTS, REVISING SUBSECTION (21) INDOOR RECREATION INTERNET/SWEEPSTAKES REDEMPTION CAFÉS BY CHANGING THE TITLE TO ADULT GAMING CENTERS AND MAKING REVISIONS TO REQUIREMENTS FOR GAMING CENTERS, ADDING A NEW SUBSECTION 22 BY PERMITTING HELICOPTER LANDING SITES IN A PUD (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT WITH CERTAIN ENUMERATED EXCEPTIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1st READING ON FEBRUARY 10TH, 2014 AND A 2ND READING ON FEBRUARY 24TH, 2014)**

Bill Wiley entered the exhibits into record.

There were no substantive comments received from the departments. There was one public response received for approval and no responses received for disapproval.

Bill Wiley gave a brief background of this project. The applicant had come before Planning Commission in 2012, changing from a townhome project to an age-restricted mobile home development property.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

Executive Summary:

- A. Amending Chapter 25 by adding Section 25-288 (S) to allow temporary agricultural uses in the RE-1 (Estate Density Residential) zoning district and allow vacant agricultural properties to have agricultural tax exemptions until platted.
- B. Amending Section 25-290 Temporary Uses to clarify permissible temporary event and outdoor sales promotions.
- C. Deleting Chapter 6 Section - 41 Keeping chickens or fowl, and amending Chapter 25 by revising Section 25-292 (4) The keeping of domestic animals and fowl to revise the requirements regarding domestic animals and fowl in residential zoning districts, and providing regulations for other domestic animals.
- D. Amending Chapter 25 by revising Section 25-292 (21) Indoor recreation to provide regulations for “Adult Gaming Centers” (previously Adult internet/sweepstakes redemption cafés) to require zoning approvals, background checks, limits on the number of electronic gaming devices, and providing for definitions.
- E. Amending Chapter 25 by adding Section 25-292 (22) Location of Helicopter Landing Areas to provide additional regulations for helicopter landing sites in PUD (Planned Unit Development) zoning districts with specific exceptions.

Action Requested: Vote to approve the referenced amendments to the Code of Ordinances Chapters 6 and 25 of the Code of Ordinances as proposed by staff and forward to the City Commission for consideration.

DISCUSSION

- E. **Amending Chapter 25 by adding Section 25-292 (22) Location of Helicopter Landing Areas** to provide additional regulations for helicopter landing sites in PUD (Planned Unit Development) zoning districts with specific exceptions.

Bill Wiley explained that it came to the City's attention that there are only 2 places that allowed helicopter landing pads, neither one of them being residential. Staff realized that they hadn't addressed this issue well, and realized that they could have a development come into the city that is aviation oriented. It was decided to address the issue by allowing it in a residential area where there was a PUD.

Bill Wiley explain the following in the Ordinance.

Sec. 25-292. - (22) Location of Helicopter Landing Areas. The following regulations will apply to the location of any Helicopter Landing Site. Capitalized terms used in this subsection shall have the meanings ascribed to them in Chapter 4, Article III of this Code:

- a. No Helicopter Landing Site may be located in any zoning district within the City of Leesburg unless specifically permitted by a PUD (Planned Unit Development) District, except that helicopters may land and take off from the Leesburg International Airport and Approved Public Property in accordance with airport and Federal Aviation Administration regulations.
- b. No PUD or other approval may be issued for any Helicopter Landing Site until the applicant has furnished to the City a completed application seeking approval from the Federal Aviation Administration to locate a Helicopter Landing Site at the proposed location, with proof the application has been filed and all fees due for the application have been paid. Any permit or approval for a Helicopter Landing Site shall be contingent on receipt by the City of final approval by the Federal Aviation Administration for the Helicopter Landing Site, within 90 days after issuance of the permit or approval. If the application is not approved by the Federal Aviation Administration within that 90 day period, or is disapproved, the permit or approval shall be deemed revoked as a matter of law without the requirement of notice to the applicant by the City. No Helicopter Landing Site for which a permit or approval has been issued may be utilized for helicopter operations until the final Federal Aviation Administration approval has been granted.
- c. All applications for a Helicopter Landing Site shall contain or be accompanied by the following:
 1. Name and address of the applicant, and if the applicant is not a natural person, the name and address of a natural person who will be representing the applicant in the approval process and be responsible for the accuracy of all information submitted.
 2. A certificate of insurance providing public liability and property damage coverage of at least \$2,000,000.00 combined single limit, with the City of Leesburg named as an additional insured party.
 3. A noise study from a firm licensed to conduct such studies, setting forth the effect the noise from helicopter operations at the proposed Helicopter Landing Site (including approach zones) will have on surrounding property owners, and concluding that the noise will not constitute a nuisance to or be deleterious to the owners and occupants of surrounding property. The study must be addressed to the City and authorize the City to rely on the study for its intended purpose of demonstrating no ill effects from the noise associated with the Helicopter Landing Site.
 4. Such other material as may be required by the City for evaluation of the application, in order to protect the public health and safety.

- d. Construction of a Helicopter Landing Site shall not be commenced, nor shall site preparation work be allowed, until both a Planned Unit Development District rezoning has been issued and final Federal Aviation Administration approval has been secured.

Bill Wiley said that it would be reviewed on a case by case basis as long as it didn't have a negative impact on the surrounding properties, and if could be done appropriately, staff would probably support it.

Commissioner Lukich asked if this came up at a City Commission Meeting about someone in Palmora Park. Mr. Wiley answered that there is an interest in a piece of property on Shore Acres Drive. We would need to have the ability to permit through a PUD. This amendment does not have to do with any particular site.

Commissioner Bowersox asked if the PUD would work for the site in questions. Mr. Wiley said that he didn't believe this property was big enough and that staff would probably not support a PUD for it. Attorney Morrison answered that the companion ordinance would make it virtually impossible. The FAA would have to approve any helicopter site.

John Dickerson, who lives next to the lot in question, stated that the City does not presently permit this use in a residential area. He doesn't understand why the owner is pursuing it. The entire site was totally littered with pieces of trees that were cut down without a permit. He did what he wanted to do. Mr. Dickerson wants to be sure that the City Ordinances will not allow a helipad to be constructed on any property on Shore Acres. Commissioner Bowersox stated that after the trees were removed, he was given the permit. Mr. Wiley said that he was taken to Code Enforcement in which the magistrate found he was in violation. The Code said that a restoration plan is required and that the owner was fined, which was approved by staff. Mr. Wiley said that we're not here to discuss site specific situations. There is currently a building permit that has been submitted in the office with a helicopter landing site and a helicopter garage on it. The permit has been denied until those two are removed.

Chairman Argento stated that we are the appellate board and will hear the appeal if the permit is denied.

Douglas Brooks, who lives across the street, wanted to clarify that if the current code prohibits the installation of a helipad, but there is a procedure for appealing it. Chairman Argento said that we are bound by law to overrule the City if it meets a certain set of criteria.

Commissioner Lukich asked if it was feasible to put in a certain amount of land area. Mr. Wiley answered that he would rather not put that in because it could be a different situation based on where the property is located. What staff will do, as is done to all applicants, is to meeting with them and give an initial indication as to whether or not staff will support the application.

This was the end of the discussion and the voting then took place.

Commissioner Ted Bowersox made a motion to APPROVE case # AMDT-13-140 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE – HELICOPTER LANDING AREAS. Commissioner Don Lukich SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

DISCUSSION ITEM

ELECTION OF OFFICERS

Commissioner Ted Bowersox moved to keep the officers the same with James Argento as Chairman of the Planning Commission and Clell Coleman as Vice-Chairman. Commissioner Donald Lukich SECONDED the motion, which PASSED by a unanimous vote of 6 to 0.

ANNOUNCEMENTS

The next scheduled meeting date is February 20, 2014.

The meeting adjourned at 6:26 p.m.

James Argento, Chairperson

Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II